

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:) CASE NO. 16-60286
)
TIMOTHY A. TRBOVICH JR.,) CHIEF JUDGE RUSS KENDIG
)
HOLLY M. TRBOVICH,) CHAPTER 13
)
DEBTORS.)

TIMOTHY A. TRBOVICH JR.) ADV. PROC. NO. 16-06031
4207 2nd Street, N.W.)
Canton, Ohio 44708)
)
AND)
)
HOLLY M. TRBOVICH)
4207 2nd Street, N.W.)
Canton, Ohio 44708)
)
Plaintiffs,)
)
Vs.)
)
)
NATIONAL COLLEGIATE STUDENT)
LOAN TRUST)
TRANSWORLD SYSTEMS INC.)
5100 Peachtree Industrial Blvd.)
Norcross, GA 30091)
)
KEYBANK N.A.)
KEYCORP)
127 Public Square)
Cleveland, OH 44115)
)
PHEAA)
CIT TRUST 2007-1)
c/o EDUCATION CREDIT MANAGEMENT)
CORPORATION)
111 S. Washington Ave., Suite 1400)
Minneapolis, MN 55401)
)

AMERICAN EDUCATION SERVICES)
1200 N. 7th St.)
Harrisburg, PA 17102-1419)
)
J.P. MORGAN CHASE)
c/o AMERICAN EDUCATION SERVICES)
1200 N. 7th St.)
Harrisburg, PA 17102-1419)
)
AND)
)
GREAT LAKES EDUCATION)
LOAN SERVICES INC.)
2401 International Lane)
Madison, WI 53704)
)
Defendants.)

MOTION FOR APPROVAL OF REFUND OF FILING FEE

Now comes Plaintiffs, Timothy A. Trbovich Jr. and Holly M. Trbovich, by and through counsel, and hereby moves this court to order a refund of the filing fee paid on behalf of Plaintiffs, by Plaintiffs' counsel, that was not required to be paid for the reasons set forth below.

As a general rule, a Plaintiff is required to pay a filing fee when filing an adversarial proceeding. However, when a Debtor files an adversarial proceeding, during a pending Chapter 13 case, Debtor is exempt from paying the filing fee.

WHEREFORE, Plaintiffs request this court to order a refund of the filing fee of \$350, paid on behalf of Plaintiffs, by Plaintiffs' counsel.

Respectfully submitted,

/s/ Kenneth L. Sheppard, Jr.
Kenneth L. Sheppard, Jr. (0075887)
Sheppard Law Offices, Co., L.P.A.
4450 Belden Village St. NW, Suite 200
Canton, OH 44718
Phone: (330) 409-2876
Fax: (614) 882-6750
E-Mail: ken@sheppardlawoffices.com
Attorney for Plaintiffs

NOTICE OF MOTION

Kenneth L. Sheppard Jr., Counsel for Plaintiffs, has filed papers with the court requesting a refund of filing fees in this case ("Motion").

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to authorize this Motion, or if you want the court to consider your views on the Motion, then on or before **October 17, 2016**, you or your attorney must:

File with the court a written request for a hearing at:

Clerk of Courts
U. S. Bankruptcy Court
Ralph Regula Federal Building and U.S. Courthouse
401 McKinley Ave SW
Canton, OH 44702-1745

If you mail your request to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Kenneth L. Sheppard Jr., Esq.
4450 Belden Village St. NW, Suite 200
Canton, OH 44718

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief. If you or your attorney responds in writing then you must attend the hearing scheduled for a date determined by the court, located at the Courtroom of the U.S. Bankruptcy Court, Ralph Regula Federal Building and U.S. Courthouse, 401 McKinley Ave. SW, Canton, OH 44702.

Date: September 26, 2016

/s/ Kenneth L. Sheppard Jr.
Kenneth L. Sheppard Jr. (0075887)
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Kenneth L. Sheppard Jr., Counsel for Plaintiffs, hereby certifies that the foregoing Motion for Approval of Refund of Filing Fee was electronically transmitted on or about September 26 2016, via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Toby L. Rosen trosen@chapter13canton.com, trosen@ecf.epiqsystems.com
Kenneth L. Sheppard ken@sheppardlawoffices.com, karen@sheppardlawoffices.com
United States Trustee (Registered address)@usdoj.gov
Toby L Rosen trose14 rseiler@chapter13canton.com

And mailed by regular U.S. Mail on September 26, 2016, to the following parties:

| | |
|---|--|
| American Education Services c/o James Preston, President & CEO 1200 North 7th Street Harrisburg, PA 17102 | Great Lakes Education Loan Services Inc. 2401 International Lane Madison, WI 53704 |
| JP Morgan Chase c/o American Education Services 1200 N. 7th St. Harrisburg, PA 17102-1419 | KeyBank N.A. 127 Public Square Cleveland, OH 44115 |
| National Collegiate Student Loan Trust Transworld Systems 5100 Peachtree Industrial Blvd. Norcross, GA 30091 | PHEAA CIT TRUST 2007-1 c/o Education Credit Management Corp. 111 Washington Ave. Suite 1400 Minneapolis, MN 55401 |

/s/Kenneth L. Sheppard Jr.
Kenneth L. Sheppard Jr. (0075887)
Attorney for Plaintiffs